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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,444	12/13/2001	Klaus Maass	60,130-1304; 00MRA0192	2285
26096	7590	05/11/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,444

Applicant(s)

MAASS ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-40 is/are pending in the application.
- 4a) Of the above claim(s) 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election of Group I in the reply filed on April 21, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)). Accordingly, claims 34-37 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on April 21, 2004.

Drawings

The drawing correction filed on October 25, 2004 has been approved.

Claim Rejections - 35 USC § 112

Claims 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "substantially free of openings" on line 2 of claim 39 renders the claim indefinite because it is unclear what the applicant is attempting to set forth. How many openings would be required before an element could be characterized as substantially free of openings? Is an element that has 10 openings be substantially free of openings or could the element only have 2 openings and be substantially free of openings? It should be noted that the inner panel 31 as shown in figure 1 includes several openings such as 44, 47, 45 and

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48. Recitations such as "prevent liquid . . . to the second side of the carrier" on line 2 of claim 40 render the claims indefinite because the seal cannot prevent liquid from passing through the opening 47 or the opening 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-28, 32, 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marscholl in view of Schust. Marscholl discloses a cable management assembly for a vehicle comprising: a carrier 2 for a cable 8, said carrier having a first side (not numbered, but shown in figure 1) and a second side (not shown) opposed thereto, and said carrier having a first elongate member (not numbered, but shown in figure 1) and a second elongate member (not numbered, but shown in figure 1), said first elongate member transverse to said second elongate member; a first cable guide 10 and a second cable guide 10 mounted to said first elongate member; a third cable guide 10 and a fourth cable guide 10 mounted to said second elongate member, a first guide rail 6 spaced generally parallel to a second guide rail 7, said first guide rail and said second guide rail mountable to said carrier on the first side to guide a window; and wherein said carrier has a plate (not numbered, but shown in figure 1)

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mounting a drive 4 for the window, the drive being mounted to the second side of the carrier, the drive includes a motor (not numbered, but shown in figure 1), a window cursor 14. Marscholl is silent concerning a seal.

However, Schust discloses a drive 16 for a cable arrangement comprising a plate 60 having the drive 16 mounted thereto wherein the plate includes a seal 136. Since the drive includes the worm wheel 110, the seal extends around the drive.

It would have been obvious to provide Marscholl with a drive as taught by Schust, to prevent water from penetrating into the drive.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marscholl in view of Schust as applied to claims 20-28, 32, 33 and 40 above, and further in view of WO 00/53446. WO 00/53446 discloses a cable arrangement assembly for a vehicle comprising a carrier 14 for a cable, the carrier including a latch mounting plate 70, a door handle mounting plate (not shown, but see column 3, lines 36-38).

It would have been obvious to one of ordinary skill in the art to provide Marscholl, as modified above, with a latch mounting plate and a door handle mounting plate to increase the ease of assembling a vehicle door.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marscholl in view of Schust as applied to claims 20-28, 32, 33 and 40 above, and

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further in view of Szerdahelyi et al. Szerdahelyi et al. discloses an elongate cross member 4 having a U-shaped cross section as shown in figure 3.

It would have been obvious to one of ordinary skill in the art to provide the first and second elongate members of Marscholl, as modified above, with U-shaped cross-section, as taught by Szerdahelyi et al., to increase the strength of the elongate members.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herringshaw et al. in view of Borchuk et al. and Ritchie. Herringshaw et al. discloses a vehicle door module comprising an inner door panel 18 having a window frame 26, 28, 30, said inner door panel having an interior side (not shown) for facing an interior of a vehicle and an exterior side (not numbered, but shown in figure 3) for facing an exterior of the vehicle, a carrier 32 for a cable for supporting a window in the window frame, said carrier having a first elongate member (not numbered, but comprising the upper angled portion of the carrier) and a second elongate member (not numbered, but comprising the lower angled portion of the carrier), said first elongate member transverse to said second elongate member, and wherein said carrier has a plate (not numbered, but comprising the left most vertical section joining the first and second elongate members) for mounting a drive for the window. It should be noted that the first and second elongate members intersect at the right hand end of the carrier. Herringshaw et al. is silent concerning a cable window regulator and a seal.

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However, Borchuk et al. discloses a carrier 12 having a first cable guide 34 and a second cable guide 36, a third cable guide 36 and a fourth cable guide 34, a first guide rail 20 spaced generally parallel to a second guide rail 22, said first guide rail and said second guide rail mountable to said carrier and for guiding a window 18.

It would have been obvious to one of ordinary skill in the art to provide Herringshaw et al. with a cable window regulator, as taught by Borchuk et al., to increase the durability of the window regulator.

Additionally, Ritchie discloses a seal 70 for attaching component of a door together.

It would have been obvious to one of ordinary skill in the art to provide Herringshaw et al. with a seal, as taught by Ritchie, to improve the durability of the door.

Response to Arguments

Applicant's arguments filed February 9, 2005 have been fully considered.

The applicant's comments concerning claims 20-33 and 40 are moot in view of the new grounds of rejection.

With respect to the applicant's comments concerning combining the teachings of Herringshaw et al., Borchuk et al. and Ritchie, the examiner respectfully disagrees. First, the carrier 32 of Herringshaw et al. is suitable for a cable for supporting a window. Since it comprises an anti-intrusion beam it is certainly strong enough to support a cable. Additionally, the shape of the carrier

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would not prevent its use as a support for a cable since the bottom elongated member is certainly capable of supporting the bottom end of guide rails while the upper ends of the guide rails are supported by the reinforcement member 210. Second, the Borchuk et al. discloses a cable window regulator with increased durability for lifting a window pane in a vehicle. One with ordinary skill in the art would be motivated to replace the gear quadrant window regulator of Herringshaw et al. with the heavy duty window regulator of Borchuk et al. to increase the durability of the window regulator. Finally, Ritchie discloses the use of an adhesive 70 to attach the outer skin 12 to the intermediate shell 16. The use of the adhesive improves the durability of the door while providing a seal. See column 4, lines 61-64 of Ritchie. Therefore, one with ordinary skill in the art would be motivated to use the adhesive of Ritchie to attach the carrier 32 to the inner panel 18 to increase the durability of the door while also providing a seal between the carrier and the inner panel. It should be noted that claim 38 does not require the seal to provide water protection for the drive. Claim 38 only requires a seal between the carrier and the inner door panel.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant has amended claim 20 to include the new limitation of the drive being mounted to the second side of the carrier. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish at the end.

Gregory J. Strimbu
Primary Examiner
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May 5, 2005